

EXHIBIT

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Jesse C. Williams

From: Jesse C. Williams
Sent: Friday, May 13, 2022 2:38 PM
To: Nathan J. Arnold
Subject: Medcraft v. Phoenix

Nate, I'd like to get beyond this debate over affirmative defenses, which is a waste of everyone's time in my opinion. Given your motion that says vicarious liability and "substantial factor and superseding/intervening cause" are not affirmative defenses that need to be pled, I see no reason to fight you on that. As to the other two, "comparative/contributory fault" and "reasonable and lawful force," my plan is just to largely lift the language out of the recent amended answers from Marfadi and the State that I gather you think are sufficient. I want to be able to send you something hopefully later today or on Sunday morning so I can know whether we can file a stipulated motion and order for leave to file, thus obviating the need to respond to your motion that is due Monday. You think you will be able to look at it by Sunday at some point to let me know?

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